

AMENDED IN SENATE MAY 10, 2004

AMENDED IN SENATE MAY 3, 2004

AMENDED IN SENATE APRIL 28, 2004

SENATE BILL

No. 1912

**Introduced by Senator Ashburn
(Coauthor: Senator Ortiz)**

March 11, 2004

An act to add Section 49414.7 to the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1912, as amended, Ashburn. Pupil health: self-administration of medication.

Existing law provides that each pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken and a written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

This bill would authorize a pupil to *carry and* self-administer asthma or auto-injectable epinephrine medication in any area of the school grounds, and during any school-related activity, if the parent or guardian of that pupil provides written consent to the self-administration and certification that the pupil both suffers from

asthma or anaphylaxis and is able to self-administer the medication, thus imposing a state-mandated local program. The bill would require the school in which the pupil is enrolled to keep information regarding the asthma or epinephrine medication on record, thus imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 49414.7 is added to the Education Code,
- 2 to read:
- 3 49414.7. (a) A pupil may *carry and* self-administer
- 4 prescription asthma or auto-injectable epinephrine medication, or
- 5 both, in the classroom, in any area of the school grounds, and
- 6 during any school-related activity, if the parent or guardian of the
- 7 pupil does both of the following:
- 8 (1) Consents in writing to the self-administration.
- 9 (2) Provides written certification from a physician or other
- 10 state-licensed health care professional treating the pupil that the
- 11 pupil suffers from asthma or anaphylaxis, or both, and is able to
- 12 self-administer asthma or auto-injectable epinephrine medication,
- 13 or both.
- 14 (b) The school in which a pupil who *carries or* self-administers
- 15 asthma or auto-injectable epinephrine medication, or both,
- 16 pursuant to subdivision (a) is enrolled shall keep information
- 17 regarding the asthma or epinephrine medication on record.



1 (c) *If a pupil is observed misusing or sharing asthma*
2 *medication or auto-injectable epinephrine with pupils, a school*
3 *principal may revoke the pupil's authorization to carry and*
4 *self-administer the medication at school. If a principal revokes a*
5 *pupil's authorization to carry and self-administer the medication*
6 *at school, the principal shall inform the parent or guardian and*
7 *physician of the pupil of the revocation.*

8 SEC. 2. Notwithstanding Section 17610 of the Government
9 Code, if the Commission on State Mandates determines that this
10 act contains costs mandated by the state, reimbursement to local
11 agencies and school districts for those costs shall be made pursuant
12 to Part 7 (commencing with Section 17500) of Division 4 of Title
13 2 of the Government Code. If the statewide cost of the claim for
14 reimbursement does not exceed one million dollars (\$1,000,000),
15 reimbursement shall be made from the State Mandates Claims
16 Fund.

17 SEC. 3. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety
19 within the meaning of Article IV of the Constitution and shall go
20 into immediate effect. The facts constituting the necessity are:

21 In order to provide, *at the earliest possible time*, for the
22 protection of the health of pupils and prevent deaths ~~at the earliest~~
23 ~~possible time~~, it is necessary that this act take effect immediately.